

From: McTeerToney, Heather

Sent: Wednesday, October 01, 2014 12:43 PM

To: 'LLfleur@ADEM.state.AL.US'

Cc: Stanislaus, Mathy; Heard, Anne; Jenkins, Brandi; Feldt, Lisa; HicksWhite, Javoyne; KeyesFleming, Gwendolyn; Hill, Franklin; Chaffins, Randall

Subject: 35th Ave. NPL Listing

Dear Lance,

It was a pleasure speaking with you today. On behalf of Administrator McCarthy, I am responding to your September 16, 2014, email regarding EPA's action to propose the 35th Avenue Site to the National Priorities List (NPL). EPA highly values the relationships we maintain with our state partners and recognizes that without these partnerships, success in the work we accomplish to protect human health and the environment is impossible. To that point, I want to clarify that our actions on the 35th Avenue Site are to protect and improve the quality of life for Alabama residents. Moving forward, I would like to reaffirm that we must improve the quantity and quality of our communications to ensure that our words and actions are well coordinated.

In this specific case, EPA strongly believes the 35th Avenue Site warrants inclusion on the NPL based on a large quantity of environmental data sampled and analyzed by EPA contractors which shows widespread contamination of residential yards with hazardous substances. We have conducted a rigorous evaluation of the risks to human health posed by this contamination and have determined that cleanup is warranted for several hundred residential properties. These decisions are consistent with decisions EPA has made on other sites in Region 4 and throughout the nation. EPA is committed to our Enforcement First principle where Potentially Responsible Parties (PRPs) conduct clean-ups. Listing the site on the NPL puts us in the best possible position to achieve a PRP-led investigation and cleanup of the site.

On June 11, 2014, I received a response from you to Region 4's request for concurrence to list the Site on the NPL. EPA understood your letter to mean that ADEM concurred on the listing, but conditioned that concurrence with the understanding that the State does not have funds available to pay the 10% cost share required for "fund-lead" remedial actions under Superfund. Region 4 has received similar "conditional concurrence" from other states in Region 4 and has always proceeded with the listing. Your conditional concurrence also references the Agency's ability to identify PRPs which the Region is proceeding on a dual track to accomplish. I certainly understand your funding concerns and you have my commitment that EPA will work closely with the State as we engage PRPs to take full responsibility for the cleanup via an enforceable agreement. Should our enforcement efforts fail and we find it necessary to request a 10% cost share from the state, we will use our flexibilities in how the state cost share is paid to the maximum extent possible.

Our efforts in this community have been discussed with members of the community, the State, congressional representatives, the Mayor and other local government representatives. We are currently responding to a community in need which has suffered disproportionately as the result of a legacy of industrial releases of hazardous constituents that have been documented as a result of our sampling in the Fairmont, Collegeville and Harriman Park communities. We strongly believe our top priority should continue to be bringing as many resources to bear as we can to improve this situation. Adding the site to the NPL sends a strong signal to the community AND to



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the PRPs that EPA and ADEM are willing to take the necessary steps to address the needs of the community.

I look forward to continuing to work with ADEM to improve our communications and in this effort to protect these communities.

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